


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

FILED BY  D.C.  
05 NOV 30 AM 9:16  
CLERK U.S. DISTRICT COURT  
W.D. OF TENNESSEE

TERRY L. CHARLTON,

Plaintiff,

VS.

TENNESSEE DEPARTMENT OF  
CORRECTION, *et. al.*

Defendant.

No. 1:04-1290-T/V

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ORDER DENYING PLAINTIFF'S REQUEST FOR RETURN OF PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANTS

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On October 3, 2005, Terry L. Charlton ("Plaintiff") filed a motion for summary judgment on his claim against the remaining defendants in this civil rights litigation.<sup>1</sup> Subsequently, on November 25, 2005, Plaintiff filed a "Request for Return of Motion for Summary Judgment." The basis for Plaintiff's request was "human error" in that Plaintiff had inadvertently failed to attach a certificate of service to his motion for summary judgment. Plaintiff sought return of the motion in order to correct his mistake.

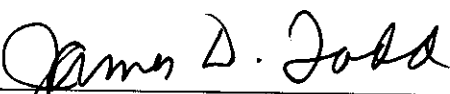

Plaintiff should be aware that, on October 25, 2005, the court denied the motion that he now seeks to have returned. [See Dkt. # 43] Assuming that the court could "return" Plaintiff's motion for summary judgment—which it could not—the question is MOOT.

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<sup>1</sup>Those defendants are Corrections Corporation of America and Dr. Fred Cole.

Therefore, Plaintiff's Request for Return of Motion for Summary Judgment [Dkt. # 49] is  
DENIED.

IT IS SO ORDERED.

  
\_\_\_\_\_  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE  
  
  
\_\_\_\_\_  
DATE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 51 in case 1:04-CV-01290 was distributed by fax, mail, or direct printing on December 1, 2005 to the parties listed.

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Honorable James Todd  
US DISTRICT COURT